

OFF-ROAD VEHICLE ACTIVITY REPORT

CAPE COD NATIONAL SEASHORE

2015

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Regulatory History

Since the creation of Cape Cod National Seashore in 1961, Off-Road Vehicle (ORV) operations have been strictly regulated. During the 1960's and 1970's, ORV trails and routes were extensive. Almost the entire outer beach from Long Point in Provincetown to Nauset Inlet in Eastham was available for ORV use. Additionally, an extensive system of inner routes and trails behind the primary dune (i.e., landward) existed in Provincetown and North Truro. In 1978, Eastham closed the route between Coast Guard Beach and Nauset Inlet because the Blizzard of '78 had destroyed the available ORV route. At approximately the same time, Wellfleet Town Meeting banned the use of ORV's on their beaches between June 15 and September 15. Then in the early 1980's Wellfleet closed the outer beach to ORV use year-round. As a result, the ORV route on the back beach was limited to the area from the Wellfleet-Truro town line north to Long Point in Provincetown.

In 1980, the Conservation Law Foundation (CLF) sued the Seashore for what the CLF believed were inadequate controls over ORV driving within the Seashore. The Seashore created a new ORV management plan that addressed a variety of concerns. The ORV Management Plan of 1981 closed all inner routes and trails to the public except for dune cottage residents or their caretakers, dune tour operations, and National Park Service patrols. The 1981 plan also limited the ORV route on the back beach from Hatches Harbor to the Wellfleet town line, and only allowed ORV operation on the beach from Head of the Meadow in Truro to the Wellfleet town line at night.

In 1984, the judge hearing the CLF suit in Boston ruled that the Seashore's 1981 plan was adequate and suggested the plan could be improved but did not require that the plan be changed. Following the judge's suggestion, the ORV Management Plan of 1985 was implemented. The 1985 plan permanently closed the portion of the ORV corridor between High Head in Truro and the Wellfleet town line. It further restricted the use of ORV's by creating a season for general operation between April 15 and November 15. ORV's could operate on the beach between November 16 and April 14 only for the purposes of accessing town shellfish beds, picking up flotsam and jetsam, or in the case of dune cottage residents or their caretakers for accessing their cottage. A limited access pass (LAP) was required for these uses and no travel was permitted within 2 hours of high tide.

In 1986, the Piping Plover (*Charadrius melodus*), a small beach-nesting shorebird, was federally listed as a threatened species. The Seashore was required by law to protect threatened and endangered species occurring within the park. The Seashore began to routinely close portions of the existing ORV corridor when Piping Plover chicks were present. As the plover population on the Seashore increased, the amount of ORV corridor decreased during June and July each year. In 1995, as little as 0.3 mi. of ORV corridor was available for several weeks.

The need for new regulation was motivated by a number of events including management issues related to the inflexibility of the existing rule to deal with changing conditions on the beach. To revise the regulation, in 1995, the Seashore entered into a negotiated rule-making process along with 22 agencies, organizations, and interest groups with long-term interests and involvement in ORV management at the Seashore. Members from the environmental, mobile sports fishing, and ORV communities along with representatives from the U.S. Fish and Wildlife Service, Massachusetts Division of Fisheries and Wildlife, and the six towns in which the Seashore's boundary lies, comprised the rule-making committee. These groups met over a period of three

months with the objective of reaching consensus on a new ORV management plan. In November 1995, the committee presented a proposed rule for ORV Management at Cape Cod National Seashore. The rule was published in the Federal Register for public comment and became codified into 36 CFR in 1998 (36 CFR 7.67).

The Committee agreed to a variety of mutual concerns (see Federal Register 63:9143-9148 for the complete final rule). ORV use remained limited to April 15 through November 15. The designated route was established, including the back beach from Hatches Harbor to High Head in Truro. The portion of beach from Exit 8 to High Head would be closed from April 1 to July 20. The area from Coast Guard Beach in Truro to Longnook Beach in Truro would be open for the purpose of night fishing, and the area from High Head to Head of the Meadow Beach, including the access at Head of the Meadow, would be open from July 1 through August 31 (Figure 1.1). Plover nesting and other resource or public safety issues could require that all or portions of the corridor be closed for indefinite periods of time. The amount of open ORV corridor is typically less in the beginning of the season than in August due to the terms of the negotiated rule. Up to 10.5 miles of ORV corridor could potentially be open in late July and August, depending on the availability of the High Head portion of the corridor, condition of beach cuts and would require all plover chicks on the South Beach fledged.

The negotiated rule also addressed NPS responsibilities for monitoring the use and condition of the oversand routes for the purpose of reviewing the effects on natural, cultural and aesthetic resources of vehicles in designated corridors. The rule further stated that information gathered from this process would be used as the basis for an annual report to the Secretary of the Interior and the public describing the results of the monitoring conducted. This document represents the 16th annual ORV monitoring report as required by the negotiated rule.

The negotiated rule set a limit of 3400 ORV permits as the maximum amount to be sold annually. The rule specified that the 3400 permits were to be a combination of both annual oversand and self-contained vehicle (SCV) permits. In 1998, the first year that the negotiated rule was implemented, this cap was reached in the first week of September. Many people who traditionally came to Cape Cod in September and October to fish were unable to purchase a permit. In order to allow a more equitable distribution of permits throughout the season in 1999, the Seashore converted 200 of the 3400 permits available into rotating weekly permits based on the rationale that some of the people who purchase annual permits actually use the permit for 7 days or less. No more than 200 weekly permits were active at any one time so as not to exceed the 3400 permit cap from 1999 until 2004. From 1999 until 2004, the 3200 annual permits sold out on progressively earlier dates each year and there has been a corresponding increase in the number of weekly permits sold during the summer months. Annual permits went on sale on April 10 each year and sold out in late July 1999, early July 2000, late June 2001, May 24, 2002, April 26, 2003, and April 19, 2004.

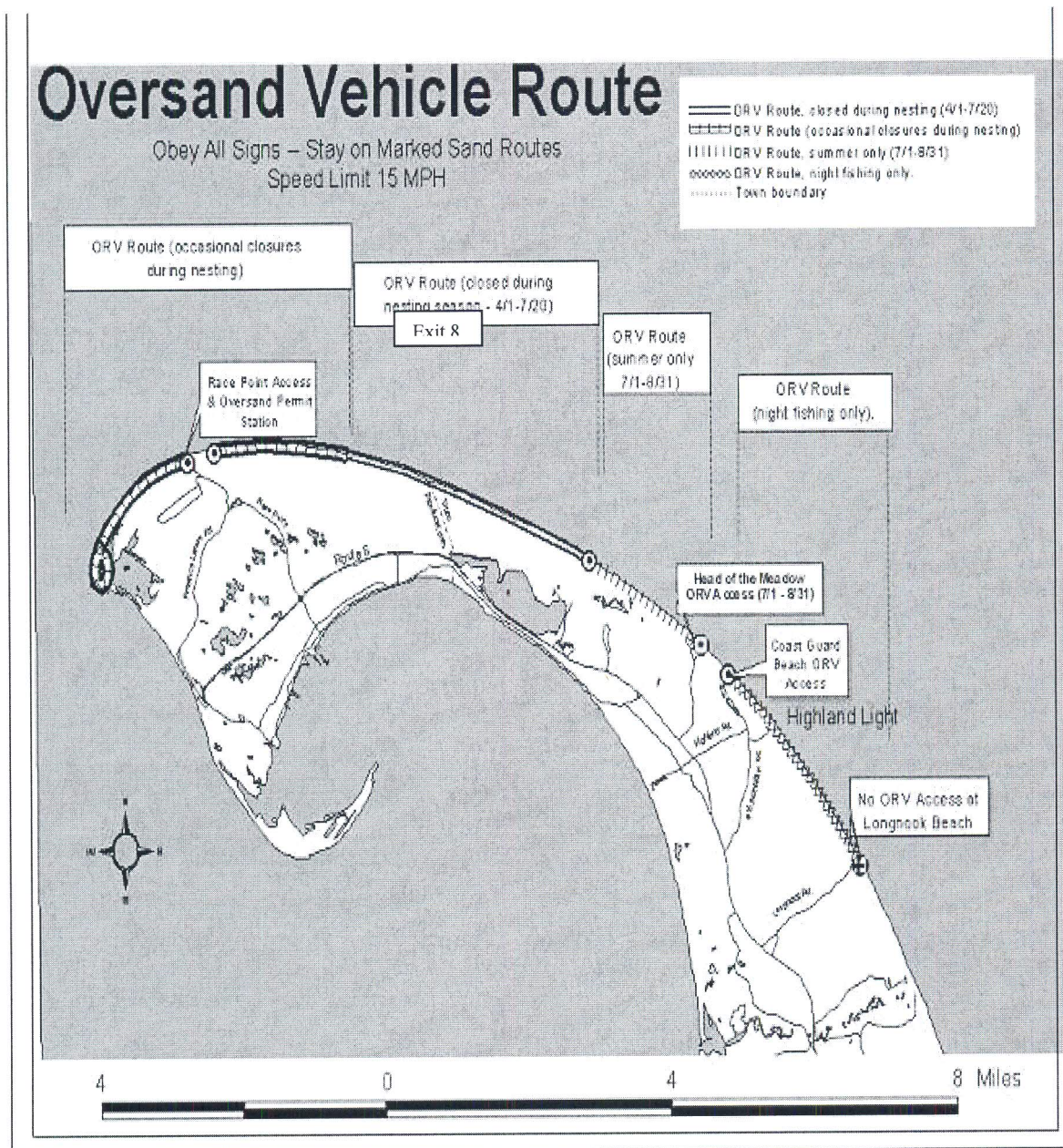


Figure 1.1 Map of the current oversand vehicle routes defined by the negotiated rule, Cape Cod National Seashore.

In 2006 the sales process continued to run smoothly. Seasonal permits were available throughout the season and there were adequate weekly permits available each day. The ORV corridor, in 2006, was completely closed for daytime recreational use for the first time, and there was a near to total closure from June 11 – July 12. The Seashore began efforts to explore possible options, which would allow for adaptive management alternatives. The Seashore hosted an informational public meeting on the ORV closures on July 18, 2006. The Cape Cod National Seashore Advisory Commission hosted an ORV and Piping Plover Public Meeting and Workshop in December.

In 2007 the Seashore completed an Environmental Assessment (EA) to improve ORV access while maintaining piping plover protection. The Selected Alternative from the EA provided three management options to improve access to the ORV Corridor if there was a near (<0.5 miles) or total daytime ORV corridor closure. On June 22, the three ORV accesses near Race Point Beach closed and 0.5 miles of corridor was opened at the High Head access, which was one of the options made available from the 2007 ORV EA. High Head remained open until July 13, when a total daytime closure occurred. Hatches Harbor was closed from May 28 through July 27, due to a plover nest that was established six feet from the Pole Line Road, and then due to protection of unfledged plover chicks. In 2007 the entire ORV corridor reopened on August 29.

In 2008 a portion of the ORV corridor remained open during the bird nesting season. This was the first time this had happened since 2005 and was directly attributed to the 2007 ORV EA.

From 2009 to 2012 additional changes were made to provide increased resource protection on the ORV corridor. The ORV management regulations have remained unchanged during these years.

In 2013, there was a total closure of the ORV corridor due to the government shutdown from October 1, 2013 through October 17, 2013. High tides and on shore winds also forced a two day closure on November 3-4, 2013.

During 2014 the ORV route was closed two times for extreme spring high tides on April 19th, and again on April 25 – May 1. Tropical storm Arthur forced a total closure from July 4-8, one of the busiest weekends of the summer. In the fall, a nor'easter closed the corridor for two days on November 2nd and 3rd.

The summer of 2015 was one of the warmest summers in recent memory. Beach days were abundant, and visitors were rewarded with sunny days throughout the summer on the ORV corridor. A strong coastal storm caused a near total closure of the corridor on Oct. 1, 2015. However a very small area at the Crossover Road and Hatches Harbor remained open for fishermen.

2015 ORV MANAGEMENT ACTIONS AND ACTIVITIES

Regulatory and Policy Changes

After a meeting with U. S. Fish & Wildlife in 2012, it was determined that all of the Hatches Harbor spit would be symbolically fenced as potential nesting habitat from April 1 through June 30. This closure went into effect in 2012 and remained in effect through 2015. On July 3, Hatches Harbor spit reopened, as there were no unfledged piping plover chicks or nests on the spit.

Number and Type of Permits Issued

The summer of 2015 was very pleasant, with plenty of great beach days. There were no significant weather events during the 2015 summer season. Total permit sales revenue increased by 2.64%, when compared to 2014 sales. Revenue increased by \$9,575.00 as compared to 2014. The seasonal ORV permits increased from 1,414 for the 2014 season to 1,443 in 2015, an increase of 2.05%. The weekly ORV permits were up from 2,495 in 2014 to 2,590 in 2015, an increase of 3.08%. Seasonal Self-Contained Vehicle (SCV) sales increased in 2015 from 88 issued in 2014 to 95 issued in 2015. Weekly SCV permit sales increased marginally in 2015 with 61 permits issued during 2015, compared 52 issued for 2014. When compared to 2014 sales, this season's overall sales increased slightly.

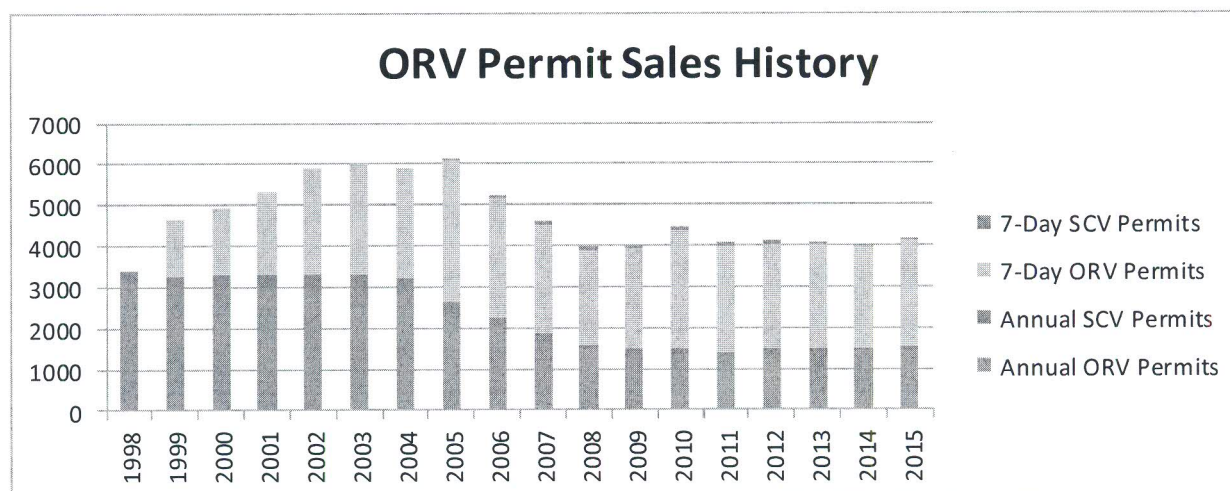


Figure 1.2 Bar graph of recent history of permit issuance in the ORV program.

Seasonal Permit Process

In 2015, 1,538 seasonal permits were issued out of the 3,000 seasonal permits that were available. Of the 1,538 seasonal permits sold, 1,443 were issued to seasonal ORV operators and 95 were issued to seasonal SCV operators. In addition to the seasonal permits, there were 2,590 ORV weekly permits issued and 61 SCV weekly permits issued in 2015, bringing the total number of permits issued to 4,189. Total permit sales have declined from a high of 6,164 in 2005 to 4,189 in 2015, a decline of 32%.

Seasonal permits went on sale Friday April 10, 2015. Permit sales went very smoothly again, as was the case since changes were made to the permit sales process in 2005. Seasonal permits have not sold out since 2004, when all 3,200 available seasonal permits sold out in 10 days.

YEAR	Seasonal ORV Permits	Seasonal SCV Permits	Total Seasonal Permits	Weekly ORV Permits	Weekly SCV Permits	Total Permits Sold
1999	3006	259	3265	*N/A	*N/A	3400
2000	3003	285	3288	1649	*N/A	4937
2001	2990	314	3304	2026	*N/A	5330
2002	2957	335	3292	2592	*N/A	5884
2003	2951	349	3300	2739	*N/A	6039
2004	2881	353	3234	2644	*N/A	5878
2005	2361	280	2641	3463	60	6164
2006	2021	221	2242	2936	49	5227
2007	1697	171	1868	2659	89	4616
2008	1457	141	1598	2294	65	3957
2009	1342	133	1473	2437	86	3998
2010	1355	137	1492	2873	104	4469
2011	1293	115	1408	2576	81	4065
2012	1347	113	1460	2577	75	4112
2013	1397	95	1492	2514	76	4082
2014	1414	88	1502	2495	52	4049
2015	1443	95	1538	2590	61	4189

Figure 1.3 Permit Sales History

* weekly permits not sold

Weekly Permit Process

For the tenth year, weekly permits were available using an advanced sales system. Users were able to buy advanced sales weekly permits for any week in the 2015 season. Applications for the advanced sales weekly permit could be submitted starting on March 1. After weekly advanced forms were processed, the permittee was contacted and provided a confirmation number. The computerized reservation system continued to work well. There was an adequate amount of weekly advanced sales permits (200) and first-come first-served permits (200) available throughout the season. Weekly permits were available to SCV users through the advanced sales system or first-come first-served system again in 2015.

Temporary ORV Corridor Closures

During 2015 beach access on Race Point North was restricted due to a narrow backshore beginning approximately .5 miles north of the access. Through traffic from the Race Point North access to the crossover was not possible this year due to these conditions. On the Race Point South portion of the corridor, a large beach cut just south of exit 8, restricted travel to High Head. A second beach cut approximately one mile north of High Head limited vehicle traffic toward exit 8 from High Head.

A low pressure storm did stall off the coast of Cape Cod during early October, causing an almost total closure of the corridor. All signage and delineator posts were removed from the corridor in anticipation of high waves and wind. Reposting was completed after that storm event. Race Point South remained closed due to inaccessibility during high tide. The Head of the Meadow ORV access did not open this season due to the dynamic beach conditions that made that portion of the corridor inaccessible.

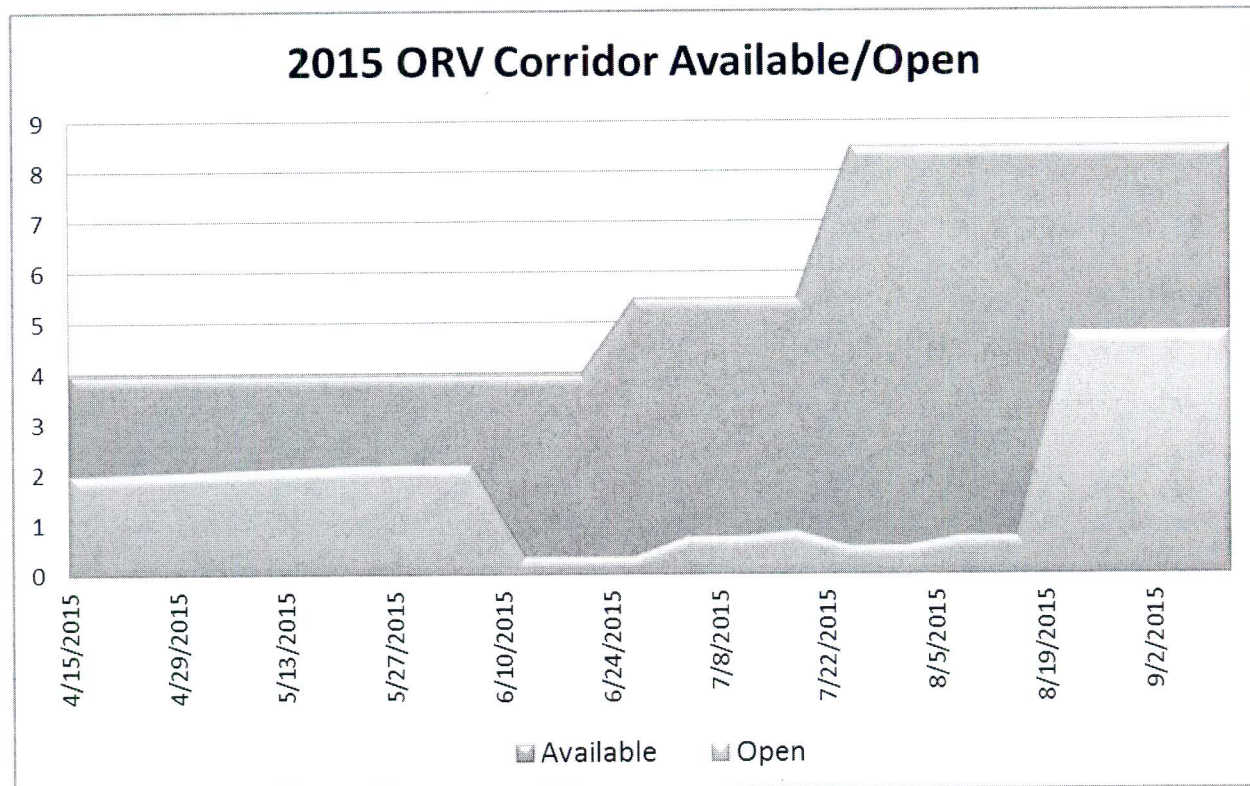


Figure 1.4 Chart showing available and open ORV corridor for the 2015 season

Synopsis of 2015 ORV Corridor Openings and Closings

Coast Guard Night Fishing not included

April 15 – May 2	2.0 mi open	RPN Open (.2 mi) RPS Open (1.8 mi) SCV area RPN Closed SCV area RPS Closed Pole Line Closed Hatches Harbor Closed High Head Closed
May 3 – May 5	2.0 mi open	RPN Open (.2 mi) RPS Open (1.8 mi) SCV area RPN & RPS Closed Pole Line Closed Hatches Harbor Closed High Head Closed
May 6 – May 13	2.0 mi. open	RPN Open (.2 mi) RPS Open (1.8 mi) SCV area RPN & RPS Closed Pole Line Open to Hatches Entrance Only Hatches Harbor Closed High Head Closed

May 14 – June 10	2.2 mi. open	RPN Open (.4 mi) RPS Open (1.8 mi) SCV area RPS Open SCV area RPN Closed Pole Line Open to Hatches Entrance Only Hatches Harbor Closed High Head Closed
June 11 – June 26	.4 mi open	RPN Open (.4 mi) RPS Closed SCV area RPN Closed SCV area RPS Closed Pole Line Open to Hatches Entrance Only Hatches Harbor Closed High Head Closed
June 27 – June 30	.4 mi open	RPN Open (.4 mi) RPS Closed SCV area RPN & RPS Closed Pole Line Open to Hatches Entrance Only Hatches Harbor Closed High Head Closed
July 1 – July 2	.8 mi open	RPN Open (.4 mi) RPS Closed SCV area RPN Open SCV area RPS Closed Pole Line Closed Hatches Harbor Closed High Head Open (.4 mi) Head of the Meadow Closed
July 3 – July 17	.8 mi open	RPN Open (.6 mi) RPS Closed SCV area RPN Open SCV area RPS Closed Pole Line Open to Hatches Hatches Harbor Open High Head Open (2.mi) Head of the Meadow Closed
July 18	.9 mi open	RPN Open (7.mi) RPS Closed SCV area RPN Open SCV area RPS Closed Pole Line Open to Hatches Hatches Harbor Open High Head (2.mi) Head of the Meadow Closed

July 19 - July 22	1.1 mi open	RPN Open (.7 mi) RPS Open (.2 mi) SCV area RPN Open SCV area RPS Open Pole Line Open Hatches Harbor Open High Head Open (2.mi) Head of the Meadow Closed
July 23 - July 24	1.1 mi open	RPN Open (.7 mi) RPS Open (.2 mi) SCV area RPN Open SCV area RPS Open Pole Line Open Hatches Harbor Open High Head Open (.2 mi) Head of the Meadow Closed
July 25 – Aug. 3	.6 mi open	RPN Open (.2 mi) RPS Open (.2 mi) SCV area RPN Closed SCV area RPS Open Pole Line Open Hatches Harbor Open High Head Open (.2 mi) Head of the Meadow Closed
Aug. 4 – Aug. 15	9.0 mi open	RPN Open (.5 mi) RPS Open (.2 mi) SCV area RPN Closed SCV area RPS Open Pole Line Open Hatches Harbor Open High Head Open (.2 mi.) Head of the Meadow Closed
August 16	2.4 mi open	RPN Open (1.2 mi) RPS Open (.2 mi) SCV area RPN Closed SCV area RPS Closed Pole Line Open Hatches Harbor Open High Head Open (1.0 mi.) Head of the Meadow Closed

Aug. 17 – Aug. 26	4.8 mi open	RPN Open (2.0 mi) RPS Open (1.8 mi) SCV area RPN Closed SCV are RPS Open Pole Line Open Hatches Harbor Open High Head Open (1.0 mi.) Head of the Meadow Closed
Aug. 27 – Aug. 31	4.8 mi open	RPN Open (2.0 mi) RPS Open (1.8 mi.) SCV area RPN Open SCV area RPS Open Pole Line Open Hatches Harbor Open High Head Open (1.0 mi.) Head of the Meadow Closed
Sept. 1 – Sept. 30	4.8 mi open	RPN Open (2.0 mi) RPS Open (1.8 mi.) SCV area RPN Open SCV area RPS Open Pole Line Open Hatches Harbor Open High Head Open (1.0 mi.)
Oct. 1 – Oct. 2	.1 mi open	RPN Open (.1 mi.) RPS Closed SCV area RPN Closed SCV area RPS Closed Pole Line Open Hatches Harbor Closed High Head Closed
Oct. 4 – Oct. 5	.2 mi open	RPN Open (.2 mi) RPS Closed SCV area RPN Closed SCV area RPS Closed Pole Line Open Hatches Harbor Open High Head Closed
Oct. 6 – Oct. 9	.5 mi open	RPN Open (.5 mi) RPS Closed SCV area RPN Closed SCV area RPS Closed Pole Line Open Hatches Harbor Open High Head Open Closed

Oct. 10 – Oct. 14	.5 mi open	RPN Open (.5 mi.) RPS Closed SCV area RPN Open SCV area RPS Closed Pole Line Open Hatches Harbor Open High Head Closed
Oct. 15 – Nov. 15	.8 mi open	RPN Open (.5 mi.) RPS Closed SCV area RPN Open SCV area RPS Closed Pole Line Open High Head Open (.3 mi)

Piping Plover Breeding Success

In 2015, Cape Cod National Seashore staff documented a total of 73 nesting pairs of piping plovers. There were 64 documented plover chicks that fledged in 2015. This was compared to 52 fledged plover chicks from 68 nesting pairs in 2014. The productivity rate for piping plovers at the National Seashore in 2015 was 0.88. In the north district of the National Seashore there were 38 nesting pairs of piping plovers and 36 plover chicks fledged. The productivity rate in the north district was 0.95. (For more detailed information reference *Monitoring and Management of Piping Plovers and Colonial Waterbirds at Cape Cod National Seashore 2015*)

Education

In 2015 a Facebook page continued to enhance the communication of corridor openings and closures to the public. The page was well received among the user group and many provided positive comments about the efforts to be proactive with providing information. All hills and areas identified with limited visibility along the ORV corridor were posted with safety related advisory signs. There was a continued effort to educate ORV users in the “Low and Slow” (low tire pressure and slow vehicle speed) concept. All access areas were posted with informational signs. The information/regulation brochure, the handouts, signs and information posted at the ORV Permit Station all emphasized that ORV users follow the “low and slow” advice. ORV information and regulations were posted on the bulletin boards at the oversand permit building and at the Race Point air-up lot. Both bulletin boards were updated throughout the season and displayed current ORV route information. Plover information, seal information, and ORV special activity or event information was also posted.

2015 Violation Notices		2015 Written Warnings	
Failure to Possess ORV Permit	16	Failure to Possess ORV Permit	6
Closure Violation	1	Pet Off Leash	5
Open Container	2	Pet in Prohibited Area	2
Natural Product Violation	1	Failure to Obtain Fire Permit	2
Parking	3	Violation Terms of Permit	1
Littering	1	Natural Products Violation	1
Controlled Substance	1	Disorderly/Threatening	1
Pet Off Leash	1	Open Container	1
		Parking	2
TOTAL	26	TOTAL	21

Figure 1.8 Violation Notices and Warnings Issued on the ORV Corridor in 2015*

***ORV permit holders or persons entering the corridor in a vehicle without a permit are included in statistics. Violations issued to pedestrians not associated with the oversand operation were mostly culled out of these statistics.**

During the 2015 season, north district ranger staff, began to re-educate the ORV and SCV users in the significance of the delineator posts and their placement on the ORV corridor. Due to the efforts of staff in years past, alcohol related violations were at their lowest level since 2011. Permitted users were once again a significant and important ally in the education and enforcement efforts of the ORV program. Their continued diligence in noting and reporting non-permitted vehicles, illegal driving behavior, resource related concerns, and other aspects of resource and visitor protection was an extremely valuable and important part of the ORV program. Many of the seasoned ORV users also help educate and instruct newer users on ORV operations. Without this voluntary partnership, the ORV program would not be as successful.

Improvements

During the MBBA sponsored spring beach conservation project, areas of the beach that were closed due to symbolic fencing were made available to be cleaned, as long as no shorebirds were nearby. An impassible section of the Pole Line Road was improved and able to be opened following the manual movement of sand. During the fall cleanup several areas that were closed due to beach conditions were made accessible for the cleanup. Many truckloads of trash were removed from the beach on these project days. Snow fencing was added to the Race Point South access in an effort to limit blowing sand during the winter. Approximately 68 members volunteered almost 386 hours to clean these beaches.

New mirrors were installed on both the Pole Line Rd access as well as the Race Point South access to improve visitor safety.

Enforcement

Numerous law enforcement contacts were made on a daily basis to help inform and educate the ORV users about National Seashore regulations and appropriate use of the ORV corridor. Enforcement actions continued to be one tool of a multi-pronged approach in this education effort.

There were a total of 26 violation notices issued to ORV visitors in 2015, down from 52 issued during the 2014 season.

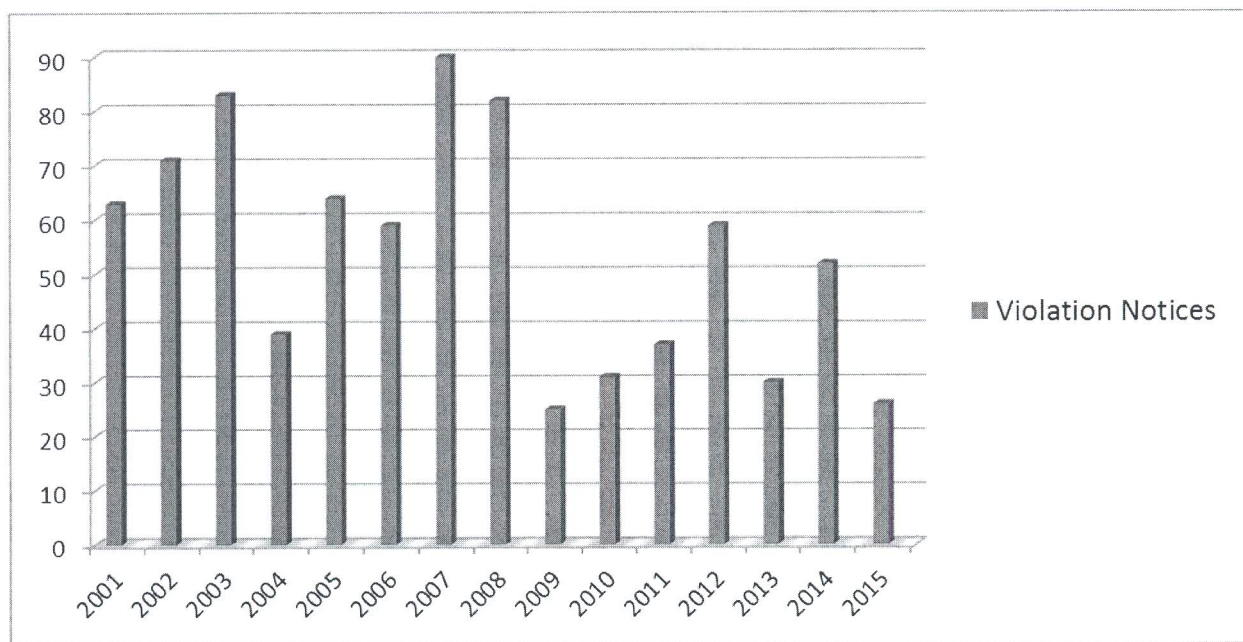


Figure 1.5 Violation Notices on the ORV Corridor

During 2015 there were 16 violation notices issued for failure to possess an ORV permit, this was a decrease from 32 in 2014. This means only 10 violation notices were issued to the 4,189 ORV users that purchased a permit. Warning notices decreased from 44 in 2014 to 21 in 2015. This was the fifth year written warnings have been included in the Annual ORV report. The two charts below show citations and written warnings issued to visitors on the ORV corridor in 2015. As in previous years, some of these infractions involve visitors that are found on the ORV corridor, but are pedestrians that are not ORV permit holders.